

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Monday, December 30, 2013 at 7:00 p.m. at the Schoonover Municipal Building with Annette Atkinson presiding.

Members present: Annette Atkinson, Michael Dwyer and Mitchell Marcus. Also present: Township Solicitor Michael Gaul, Esq., Keely Collins, Esq., Township Engineer Fred Courtright, P.E., Stenographer Donna Kenderdine, Township Secretary Michele Clewell, numerous residents and interested parties.

Approval of Minutes

Annette Atkinson made a motion to approve the December 5, 2013 minutes. Michael Dwyer seconded the motion. Motion passed 3-0.

Report of Executive Session

Attorney Gaul reported that an executive session was held prior to the meeting in order for the supervisors to hear legal advice from the solicitor on pending legal matters.

Announcements

Annette Atkinson announced that the Whispering Pines Banquet Hall will hold its New Year's Eve Party and the supervisor's organizational meeting will be held on January 6, 2014 at 6:00 p.m.

Annette Atkinson announced that there will be "a look ahead" presentation for 2014 at the January 23, 2014 meeting.

Public Hearing

Donna Kenderdine took a stenographic record of the public hearing.

Ordinance 198, setting forth amendments to the Code of Ordinances of the Township of Middle Smithfield as follows: Amending Part II, "General Legislation", Chapter 200 "Zoning"; Amending the definition of "Adult Use, Live Entertainment Facility" in Section 020-20 of Article II, definitions; Amending Article IV, Use Regulations within Zoning Districts, Division 44, Supplementary Regulations Governing Specific Uses, Section 044-060, F Retail and Consumer Service Uses, Section A. F1 Adult Uses; Amending 200 Attachment 3—Table of Use Regulations within Zoning Districts; Adding a new Section 1303-090, Buffer Yards and Landscaping, to Article XIII, Miscellaneous Provisions, Division 130, Miscellaneous Performance Standards and Regulations; and Providing for other Miscellaneous Matters.

Proposed Zoning Amendments to the Code of Ordinances of the Township of Middle Smithfield Township – Annette Atkinson made a motion to open the hearing at 7:05 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Attorney Gaul presented the Township Exhibits.

John Petrizzo asked if any zoning districts were changed. Attorney Gaul stated that to his knowledge, no zoning districts were changed. Mr. Petrizzo asked if there were any changes to the Commercial District or the zoning map. Annette Atkinson stated no. there were no changes to the zoning map.

Bob Pohlman thanked the Board of Supervisors for doing a fabulous job.

John Davis requested clarification on the banning of cell towers in residential neighborhoods. Attorney Gaul read the proposed ordinance. Mr. Davis stated that he is lobbying Verizon for a cell tower on Kakout Mountain and believes that the proposed ordinance should allow for exceptions to the ban on cell towers in residential districts. Annette Atkinson stated that the amendment restores what was in the zoning ordinance previously. There was discussion on residential versus commercial districts with regard to cell towers.

Bob Pohlman stated that FCC regulations may prohibit the township's regulation of cell towers. Attorney Gaul stated that his understanding is that there are federal rules that may supersede the township zoning ordinance, depending upon the circumstances. Attorney Gaul stated that, for now, however, it would be better to address those concerns when specific proposals regarding the installation of cell towers are made, instead of have simply having a general rule that cell towers are allowed in residential areas. Also, the zoning ordinance is a "living" document, and not something set in stone. There is nothing to prevent the Board of Supervisors from continuing to review the matter, and making adjustments to the Zoning Ordinance in the future on an ongoing basis.

Annette Atkinson made a motion to go into executive session at 7:44 p.m. to hear legal advice from the solicitor. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to come out of executive session at 7:53 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the public hearing at 7:54 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to close the public hearing at 7:54 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to adopt Ordinance 198. Michael Dwyer seconded the motion. Motion passed 3-0.

Annette Atkinson stated that there will be “a look ahead” presentation for 2014 at the January 23, 2014 meeting. Ms. Atkinson also stated that the amendments just adopted are just amendments and a comprehensive review of the SALDO and zoning ordinances will be done in 2014.

Treasurers Report

Michael Dwyer stated that the end of the year expenses are 5% below budget and as in 2013 the Township will not have to take out a Tax Anticipation Note (TAN) for 2014.

Payables – Michael Dwyer made a motion to pay the general fund payables in the amount of \$174,094.89. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the sewer fund payables in the amount of \$38,464.82. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the golf fund payables in the amount of \$22,923.69. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the liquid fuels payables in the amount of \$36,969.03. Mitchell Marcus seconded the motion. Motion passed 3-0.

Monroe County Assessment Office, Refund Due – Michael Dwyer made a motion to refund Winston Chen \$40.19, Jeanette Aditya \$102.78 and Sten & Christina Kjelberg \$50.46. Mitchell Marcus seconded the motion. Motion passed 3-0.

Solicitors Report

Request to Accept Time Extension Letter to Render a Decision for the Hott PA, Inc. Land Development Plan – Attorney Gaul stated that since Attorney Geiger is not here, he will provide the report. A letter was received from Attorney Geiger that the applicant through Attorney Joe Wiesmeth, is seeking an extension for the land development plan until March 3, 2014. Attorney Gaul stated that, if the Board of Supervisors wanted their time to review and decide on the plan to be extended, the supervisors needed to accept the request. Annette Atkinson made a motion to accept the letter from Hott PA to extend the deadline until March 3, 2014. Mitchell Marcus seconded the motion.

Oscar Woerlein asked what would be the outcome if the supervisors did not give the extension. Because Attorney Geiger was absent, Attorney Gaul recommended that the supervisors not comment on the case. for the Board their

Motion passed 3-0 to accept the extension until March 3, 2014.

Monroe County Tax Appeal; HRP Corp. and HaRa Corporation – Attorney Gaul stated that this is on the agenda for informational purposes only and at this time there is no reason for the Township Solicitor to make his appearance. No action required.

Engineers Report

None

New Business

Resolution 12-2013-4; Resolution Adopting the 2014 budget; Fixing the Tax Rate for the Year 2014 and All 511 Taxes Re-Established and the Collector Retained for the Year 2014 – Michael Dwyer made a motion to approve Resolution 12-2013-4. Annette Atkinson seconded the motion. Motion passed 2-1.

Resolution 12-2013-5; Re-Establishment of the Economic Development Committee – Annette Atkinson stated that the supervisors have been going through the resolutions to make them consistent. Each resolution now includes the committee’s Mission and Vision statements. The EDC was originally created via resolution with 5 board members, then was expanded to 7, then 11 members. This resolution reduces the number of committee members from 11 to 5 and also expands the qualifications to include residents and tax payers to be appointed to the committee so that Township business owners who do not live in the Township can qualify. Annette Atkinson made a motion to approve Resolution 12-2013-5. Mitchell Marcus seconded the motion. Motion passed 3-0.

Request to Release Letter of Credit for Summer Glen – Annette Atkinson made a motion to release the Letter of Credit provided by Summer Glen pursuant to its Sewer Capacity Reservation Agreement upon the recommendation of Attorney Gaul. Michael Dwyer seconded the motion. Motion passed 3-0.

Forward to PA DEP the Sewage Planning Module for Brian Craig-Wankiiri Minor Subdivision Plan – Fred Courtright reported that this is a minor subdivision plan that was accepted by the Planning Commission at their last meeting and there is a time frame that it must be submitted to PA DEP. The Planning Commission and Mr. Courtright recommend it be forwarded to PA DEP. Annette Atkinson made a motion to forward the sewage planning module to PA DEP. Mitchell Marcus seconded the motion. Motion passed 3-0.

Letter of Resignation from Gary Summers from the Planning Commission – Annette Atkinson made a motion to accept the letter of resignation from Gary Summers, who will now serve on the East Stroudsburg School District School Board. Mitchell Marcus seconded the motion. Motion passed 3-0.

Letter of Resignation from Mark Oney from the Golf Course Advisory Board - Annette Atkinson made a motion to accept the letter of resignation. Mitchell Marcus seconded the motion. Motion passed 3-0.

Request to Release Escrow for the Fire Damaged Home of Jozef D. and Malgorzata Kubasek – Annette Atkinson made a motion to release the funds in the amount of \$12,000.00 wupon the recommendation of building Code Inspector, Dave Manter. Michael Dwyer seconded the motion. Motion passed 3-0.

Newly Hired Personnel – Annette Atkinson stated that the newest intern from ESU for the spring semester is Linda StCyr. Annette Atkinson made a motion to hire Ms. StCyr. Mitchell Marcus seconded the motion. Motion passed 3-0.

Revised Intermunicipal Agreement Establishing the Oak Grove Multi-Municipal Compost Processing Program – Michael Dwyer stated that this is the final revised Intermunicipal Agreement between Middle Smithfield, Lehman and Smithfield Townships that establishes the Oak Grove Multi-Municipal Compost Processing Program and a Compost Processing Board .number of board members and the (10) year term of the agreement to coincide with the anticipated lease from PennDOT.

Michael Dwyer made a motion to approve the agreement dated December 30, 2014. Annette Atkinson seconded the motion. Nancy Bittner had concerns with truck traffic and the impact they will have on private community roads. Mr. Dwyer stated that the trucks would be driving on township roads and they are only hauling leaves and since using the leaf vacuum the township is doing more with less trips. Satellite site will be within the township, therefore there should not be a lot of traffic.

Motion passed 3-0.

Scheduling a Public Hearing on Proposed Ordinance Approving Intermunicipal Agreement Establishing the Oak Grove Multi-Municipal compost Processing Program – Michael Dwyer made a motion to schedule a public hearing on the proposed ordinance for January 23, 2014 at 7:00 p.m. Annette Atkinson seconded the motion. Motion passed 3-0.

Authorizing Advertising of Public Hearing on and Notice of Intention to Adopt, Ordinance Approving Intermunicipal Agreement Establishing the Oak Grove Multi-Municipal Compost Processing Program – Michael Dwyer made a motion to authorize the advertising. Annette Atkinson seconded the motion. Motion passed 3-0.

Public Comment

John Davis asked when the street map would be available. Annette Atkinson stated that the printed community map with all the new road names will be availableavailable soon and a map will be posted on the new township website even sooner.

Rich Kawski asked if the Whispering Pines Club House has a security system as the clubhouse at Great Bear was just recently broken into. Mr. Kawski provided information to the supervisors.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:22 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary

General Fund

Num	Name	Memo	Amount
11257	Grumble Brothers Inc	inv 81513/1 door	-746.20
11260	CDW Government	HM82676/HN47534?BD97391	-4,243.06
11261	Commonwealth of PA UST Indemnif.	a/c 603276 storage tank permits	-247.50
11262	Met Ed	a/c 100059550028 Echo Lake	-28.73
11263	PA Municipal Health Insurance Cooperative	MGN 052801 health insurance	-32,439.88
11264	PAPCO	inv 1411630/632 propane	-1,457.71
11265	PMRS	450275n Admin fee Dwyer	-20.00
11266	Met Ed	a/c 100069220836 River Rd light	-13.98
11267	PMRS	450275n Admin fee - Stapleton	-20.00
11268	Met Ed	a/c 100073577916 Sellerville light	-29.69
11269	PMRS	45-027-5N pension	-3,945.45
11270	Met Ed	a/c 100016915751 Municipal Light	-20.64
11271	PMRS	45-027-5N Admin fee Atkinson	-20.00
11272	Met Ed	a/c 100016951467 Bldg A	-914.92
11273	Met Ed	a/c 100036091245 Bldg B	-590.15
Trf	Middle Smithfield Township	Payroll Funds Transfer	-53,000.00
11258	VOID CHECK	void ck 11258	0.00
11259	VOID CHECK	void ck 11259	0.00
11274	Donna G. Kenderdine, RPR	97-13 / 172-13	-749.80
11275	Mr. Kubasek	return of fire escrow	-12,000.00
11276	Abeloff Pontiac Inc	inv 3004700 pump kit	-45.88
11277	Advance Auto Parts	6952333712904/4513273/1873235932/6952335081464	-487.03
11278	AFLAC	insurance	-503.48

11279	Avaya	inv 2732858959 phone lease	-117.60
11280	BIU of PA, Inc.	inv 01000120030601 permits	-900.00
11281	Bradco Supply Co	inv 104455 curb bumper	-59.00
11282	Cintas Corp	inv 101342828 cleaning	-74.00
11283	Claude S. Cyphers, Inc	invs 614284/276/416	-458.10
11284	Cramer's Welding & Repairs	inv 449086 ladder materials	-40.00
11285	Dawn M. Arnst Tax Collector	postage & expenses	-143.33
11286	Donaghy Insurance Services	inv 6329 tax collector bond 1/1/14-1/1/18	-1,094.00
11287	E.M. Kutz	inv 671 plow lights	-138.00
11288	Erin Groome	reimburse for cookie supplies	-28.02
11289	First Insurance Funding Corp	12101-0066-1674635	-9,730.24
11290	General Code, LLC	inv bill00012878 supplement 41	-599.54
11291	Gilmore & Associates, Inc.	inv 130197,98,99 engineering	-2,670.90
11292	Home Depot Credit	6035322502349651 christmas lights	-167.63
11293	King, Spry, Herman, Freund & Faul LLC	Legal invs 87706-87717	-8,960.00
11294	Lehman Township	share of halloween trail expenses	-177.83
11295	Macmillan Oil	inv 84661 hydraulic	-485.00
11296	Miggys Five	kitchen supplies 11/22,12/11,12/20	-95.62
11297	Newman, Williams, Mishkin, Corveleyn	inv 88962 Hott PA	-30.00
11298	PA One Call System, Inc.	inv 571422 monthly activity fee	-32.50
11299	Pocono 4 Wheel Drive	inv 204547 parts	-85.00
11300	Pocono Record	inv 662092 public notices	-1,147.00
11301	Pocono Sew & Vac	inv 3207 Sebo service kit	-32.17
11302	PSATS	inv 10367 dues	-2,815.00
11303	Raymond Wolfe.	milage reimbursement for MCTCC mtgs 8/8 & 21/12	-35.20
11304	RICOH USA, Inc	inv 91360954 copier lease	-260.00
11305	S & W Starter	p/o 13-398 alt	-139.00
11306	Service Tire Truck	inv K44983-26 tires	-542.36
11307	Stina Frosell	temp sign escrow refund	-100.00
11308	Sun Litho Print	inv 34916/34973 office supplies	-298.00
11309	Taylor & Friedberg LLC	inv 16155 Russo transcript	-289.50
11310	Tulpehocken Spring Water	inv 13876 water	-55.35
11311	Verizon	570223892064559y	-671.63
11312	Warehouse Battery Outlet, Inc	inv 244701 batteries	-289.35
11313	BIU of PA, Inc.	inv 01000120030644 zoning officer	-1,170.00
11314	Cleveland Brothers	inv INPP0417433 parts	-62.35
11315	CNH Capital	a/c 5043935501409770	-17.22
11316	Cramer's Home Center	inv 1011570 mailbox parts	-69.09
11317	Lawson Products, Inc.	inv 9302124346 parts	-262.36
11318	Macmillan Oil	inv 37140 hydrolic	-485.00
11319	Northeast Energy, Inc	inv 12722 / 16363 heating repairs	-544.50
11320	PAPCO	invs 1420016/0021/0719	-8,498.80
11321	Penteledata	inv b2103823 email boxes	-128.97
11322	PMRS	45-027-5N pension	-9,409.51
11323	Pocono Peterbilt	inv 34657 t-107 repairs	-468.90

11324	PSATS	Dwyer, Lyon, Clewell CDL training program	-105.00
11325	Reilly Associates.	inv 20 CCP Phase III sec 5 review	-938.00
11326	Richards Tree Farm	inv 30829/30, 30703/28677/28981	-271.20
11327	Shoplet.com	inv 1387470419 office supplies	-528.43
11328	Staples Contract and Commercial	7000953420/72226/72224/79789 office supplies	-476.60
11329	Allstate Septic Systems, LLP	inv 233225 Echo/ Ressica handicap units	-260.00
11330	American United Life Insurance Company	policy G 0061299-0000-000 life insurance	-1,215.49
11331	GreatAmerican Leasing Corp	inv 0120585176000 copier lease	-304.50
11332	H.A.R.I.E	policy 307441611-13 workers comp	-4,594.00
			-
			174,094.89

Golf Course

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
wt	USB Equipment Finance	Toro Lease	-1,325.16
			-
Trf	Middle Smithfield Township - General Fund	to repay June loan from general fund	10,000.00
2668	Hellers Gas, Inc.	inv 10829 propane	-1,895.80
2669	Middletown Sprinkler Company, Inc	inv 21510 repairs	-4,666.60
2670	PA American Water	a/c 210033261169 big ridge dr	-14.56
2671	R&R Products	inv cd1746197	-520.60
2672	Warehouse Battery Outlet, Inc	inv 240737 batteries	-60.87
2673	PA American Water	a/c 1024210033261244 big ridge drive	-59.32
2674	Allan Rotto Consultants, Inc	paymt 12 re: Verizon tax refund	-42.00
2675	Comenity - AdWords Business Credit	5304-8900-0033-6616	-405.93
2676	Friedman Electric	inv s017544810.002 parts	-70.45
2677	Hellers Gas, Inc.	inv 08775 propane	-2,302.10
2678	Jim O'brien	reimburse for beer purchase 12/6	-37.06
2679	Lewis True Value	inv b37624 ice melt	-119.96
2680	Met-Ed	a/c 100104048101 golf course pump house doral crt	-48.36
2681	PA American Water	a/c 1024210032658777 big ridge drive	-35.46
2682	Pocono ProFoods	inv 536707 supplies	-378.10
2683	Pocono Sew & Vac	inv 143347 vacuum bags	-32.17
2684	Shoemaker Mechanical, Inc.	inv 667 changed thermo coupler on heater	-115.00
2685	Verizon	570223737828754y	-128.38
2686	Met-Ed	a/c 100104048101 doral ct	-48.63
2687	Verizon	570223814063192y	-50.01
2688	Met-Ed	a/c 100081748863 golf maintenance bldg	-273.26
2689	Met-Ed	a/c 100081748885 golf pump house tomx rd	-512.28
2690	Met-Ed	a/c 100081748848 clubhouse	-781.63
			-
			23,923.69

Liquid Fuels

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
2011	American Rock Salt Co, LLC	inv 371176/966/372772	- 12,703.29
2012	Hanson Aggregates Inc	2462117/2542/3674/3954/4341	- 12,582.09
2013	International Salt Co, LLC	inv 443890 salt	- <u>11,683.65</u>
			- 36,969.03

Sewer Fund

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
10105	ALLSTATE SEPTIC SYSTEMS, LLP		-450.00
10106	AT&T	019 533 3847 001	-42.00
10107	GILMORE & ASSOCIATES, INC.		-9,051.41
10108	Joseph Les	Tolls to pick up pump	-19.50
10109	KING SPRY HERMAN FREUND & FAUL	87711	-42.00
10110	NEUTRON INDUSTRIES	96572364	-3,979.53
10111	PA ONE CALL SYSTEM, INC.	571424 1024-	-33.80
10112	PENNSYLVANIA AMERICAN WATER	210031497597	-31.02
10113	PROSSER LABORATORIES, INC.		-5,894.02
10114	SIANA BELLWOAR & MCANDREW LLP	4169.02 - Inv 56864	-513.80
10115	STRAND		-2,197.25
10116	TOPS SOFTWARE	WD357	-109.95
10117	WASTE MANAGEMENT		-5,695.80
10118	MET-ED	100 044 863 148	-17.44
10119	MET-ED	100 076 523 768	-960.81
10120	MET-ED	100 080 916 823	-126.31
10121	MET-ED	100 080 920 901	-22.03
10122	MET-ED	100 081 035 618	-61.47
10123	MET-ED	100 083 606 630	-84.91
10124	MET-ED	100 016 629 691	-237.23
10125	VERIZON	570 588 0742	-32.81
10126	MET-ED	100 016 914 275	-265.48
10127	MET-ED	100 018 353 951	-333.57
10128	MET-ED	100 018 446 334	-126.29
10129	MET-ED	100 018 448 652	-7,077.16
10130	MET-ED	100 044 877 809	-14.34
10131	MET-ED	100 080 913 799	-84.33
10132	MET-ED	100 016 867 432	-183.45

10133	MET-ED	100 018 440 378	-272.55
10134	MET-ED	100 018 442 556	-149.76
10135	MET-ED	100 089 058 661	-13.16
10136	VERIZON	570 223 1025	-35.18
10137	VERIZON	570 223 8189	-36.45
10138	VERIZON	570 223 1024	-35.18
10139	VERIZON	570 588 0752	-32.89
10140	VERIZON	570 588 1134	-33.32
10141	VERIZON	570 588 1135	-32.81
10142	VERIZON	570 588 6581	-31.42
10143	VERIZON	570 588 7646	-70.32
10144	VERIZON	570 588 0289	<u>-34.07</u>
			38,464.82